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January 26, 2004

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation – WC Docket No. 02-361

Dear Ms. Dortch:

I am General Counsel and Chief Executive Officer for Montana Independent Telecommunications Systems (MITS). MITS represents telecommunications companies whose service areas span the state of Montana as well as parts of North Dakota, Wyoming and Nevada.¹ On Tuesday, January 20, 2004, I met with Dan Gonzales and Jason Williams of Commissioner Kevin J. Martin's staff. The purpose of the meeting was to discuss AT&T Corporation's (AT&T) Petition for Declaratory Ruling seeking exemption from access charges for calls using VOIP technology.²

MITS articulated that calls utilizing the telecommunications distribution network, regardless of technology, should contribute to the costs of maintaining that network. Specifically, our position is that a call from an AT&T customer to a MITS-member customer terminates over the MITS-member's copper loop, regardless of the technology used to transport the call to that loop. In our view, therefore, AT&T should be required to pay the access charges associated with such usage.

Sincerely,

Michael C. Strand, CEO and General Counsel
Montana Independent Telecommunications Systems

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¹ MITS' members include Central Montana Communications, InterBel Telephone Cooperative, Nemont Telephone Cooperative, Northern Telephone Cooperative, Project Telephone Company, Triangle Telephone Cooperative Association, and Valley Telecommunications, all headquartered in Montana, as well as CC Communications, headquartered in Fallon, Nevada.

² In the Matter of AT&T Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges, WC Docket 02-361.